

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

CHRISTOPHER GEORGE PABLE,

Plaintiff,

v.

CHICAGO TRANSIT AUTHORITY and
CLEVER DEVICES LTD.,

Defendants.

Case No. 19-cv-7868

Judge Elaine E. Bucklo

Magistrate Judge Heather K. McShain

CHICAGO TRANSIT AUTHORITY,

Counter-Plaintiff,

v.

CHRISTOPHER GEORGE PABLE,

Counter-Defendant.

JOINT STATUS REPORT

In accordance with the Court's Minute Order of February 5, 2021, counsel for the Parties submit the following status report.

A. Update on Progress of Discovery

The Parties exchanged their initial disclosures pursuant to the Mandatory Initial Discovery Pilot Program on March 2, 2020. (Dkts. 14, 15 and 16). Thereafter, the Parties engaged in substantial written discovery, and engaged in multiple Rule 37.2 conferences to narrow discovery disputes. Written fact discovery closed on November 30, 2020 pursuant to the Court's September 24, 2020 Minute Order Granting the CTA's Motion to Extend the Close of Written Discovery.

(Dkt. 38.)

On December 9, 2020, the CTA filed a motion for leave to file its motion to compel Plaintiff's discovery responses (Dkt. 39), which the Court granted on February 5, 2021. (Dkt. 44). On February 5, 2021, the CTA filed its motion to compel Plaintiff to produce his personal cell phone for inspection and re-imaging and respond to the CTA's requests for production (the "Motion to Compel"). (Dkt. 45). Plaintiff filed his Response to the Motion to Compel on February 12, 2021, and the CTA's Reply is due on February 19, 2021. (Dkt. 44). At this time, the only issues surrounding outstanding written fact discovery are those raised by the CTA in its Motion to Compel, wherein the CTA seeks an order compelling Plaintiff to: (i) produce to the CTA his personal cell phone, along with any and all affiliated SD card(s), and/or storage devices to the CTA for inspection and re-imaging; and (ii) respond to the CTA's Requests for Production relating to his personal website, including by producing complete and accurate archived copies of any personal websites owned or operated by Plaintiff, including but not limited to www.menchi.org, as they appeared from May 1, 2018 through the present. (Dkt. 45). The CTA has requested that Plaintiff's cell phone be preserved and imaged for production to the CTA since as early as March, 2020. Plaintiff opposes the CTA's requests. As in any case, the Parties note that additional follow-up discovery may become necessary based on information learned in depositions.

The Parties are now proceeding to oral discovery, which will proceed remotely during the months of February and March 2021. The Parties are hopeful that these and any other fact depositions that become necessary can be concluded by April 1, 2021, but note that some extension of that deadline may become necessary due to scheduling and logistical concerns, or any disputes that may arise in connection with these depositions. Plaintiff has noticed 10 depositions of various CTA and Clever Devices employees. The CTA has noticed the deposition of Plaintiff to proceed

on March 11, 2021. Depending on the ultimate resolution of the CTA's Motion to Compel, the CTA may seek additional time to depose Plaintiff to elicit testimony relating to additional information gathered from any further production from Plaintiff. The CTA has also issued subpoenas for depositions to Mr. Michael Haynes, Plaintiff's husband, Mr. Haynes's wife, and Mr. Pable's treating physician. Plaintiff intends to move to quash the subpoena for the deposition of his spouse and will do so on or before March 1, 2021 so as to allow for a ruling on that issue in time to conduct the deposition by March 31, 2021 if it is to proceed.

B. Proposed Schedule for the Completion of Outstanding Discovery

Pursuant to the Court's September 24, 2020 Minute Order Granting the CTA's Motion to Extend the Close of Written Discovery (Dkt. 38), the dates set by the Parties in their Proposed Scheduling Order (Dkt. 27) were extended by 60 days, and are currently scheduled as follows:

- Fact witness depositions: **November 30, 2020 – April 2, 2021**
- *If experts are needed:*
 - Expert disclosures by **April 30, 2021**
 - Expert discovery complete by **May 31, 2021**
 - Responsive expert disclosures by **June 30, 2021**
 - Responsive expert discovery complete by **July 31, 2021**
 - Final supplementation of all discovery responses by **August 30, 2021**
 - Dispositive motions filed by **September 30, 2021**, with responsive replies due 30 and 15 days thereafter, respectively
 - Pretrial submissions complete by **November 30, 2021**
- *If experts are not required:*
 - Final supplementation of all discovery responses by **April 30, 2021**

- Dispositive motions filed by **May 31, 2021**, with responsive replies due 30 and 15 days thereafter, respectively
- Pretrial submissions complete by **July 31, 2021**

C. Expert Discovery

The Parties currently anticipate that experts will be needed in this case.

D. Status of Settlement Discussions

The Parties have yet to engage in any settlement discussions to resolve either Plaintiff's Complaint against the CTA and Clever Devices, or the CTA's Counterclaim against Plaintiff. The Parties do not request a settlement conference at this time.

E. Other Issues

None at this time.

February 12, 2021

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on February 12, 2021, the foregoing was filed with the Clerk of Court via CM/ECF, which provided notice of same to all parties who have made an appearance in this case.

s/ Elizabeth E. Babbitt